James H. Cunningham
V-72323
Avenal State Prison
Avenal, Ca 93204
P.O. Box #9 03.L

FILED
2008 SEP 18 PM 3:56
CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY RM
NUNC PRO TUNC
SEP 17 2008

United States District Court
Southern District of California

James H. Cunningham (Petitioner)

v.

James Hartly (warden)

Motion: Extension of 10 days due to Avenal Prison Procedure's. So to reply on R&R Report and Recommedation.

* Recieved 9-12-08 *

To the Honorable Court:

In re: Extension for ten days base on grounds that Petitioner holds Limited time slot. Petition recieved the Courts "notice" Pertaining to an R&R Report and Recommendation. An will reply (SAP) soon as Possible. However Petitioner will need additional time to fully "object," which is cause for research. Avenal State Prison holds a procedure and Process for entry of their Library. Starting a duccating process which could take up to a week before you are solicted. So to be in accordance with the

Honorable Courts request is serious. wherein due process is major and a consitutional right 14th Amend. Supporting facts require that a prose defendant have access to legal sources. Petitioner does excersize his right wherein Prison an the outlet to court. An holds "UP E.g. US. V. Kind, 194 F.3d 900, 9005 (8th Cir 1999) (defendant has due process right of access to Legal resources): Bribeesca V. Galaza, 215 F.3d. 1015, 1020 9th Cir. 2000). Incarcerated criminal defendant has right of access to Legal Materials too. assist in self-represetation. Therefore Petitioner humble ask the Honorable Courts support his cause.

I, James H. Cunningham declare under penalty and purjury the above is true and correct to his beliefs.

EXECUTED and Mailed: Date 9-14-08

Sign: James H. Cunningham

Other Orders/Judgments

3:07-cv-02183-DMS-BLM Cunningham v. Marshall

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 9/8/2008 at 11:33 AM PDT and filed on 9/8/2008

Case Name: Cunningham v. Marshall
Case Number: 3:07-cv-2183
Filer:
Document Number: 39

Docket Text:
REPORT AND RECOMMENDATION denying Petitioner's Request for Stay and Abeyance re [19]. The Court recommends that the district court Deny Petitioners request to hold his Amended Petition in abeyance pending state court exhaustion of Grounds One, Two, and Three. (Objections to R&R due by 9/26/2008. Replies due by 10/10/2008.) Signed by Magistrate Judge Barbara Lynn Major on 9/8/08. (All non-registered users served via U.S. Mail Service).(lao)

Document Recieved, 9-12-08

3:07-cv-2183 Notice has been electronically mailed to:

Attorney General docketingsdawt@doj.ca.gov

Jennifer Anne Jadovitz jennifer.jadovitz@doj.ca.gov, DocketingSDAWT@doj.ca.gov, ECFCoordinator@doj.ca.gov, anna.herrera@doj.ca.gov

3:07-cv-2183 Notice has been delivered by other means to:

James H Cunningham
V-72323
Avenal State Prison
PO Box 8
Avenal, CA 93204

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1106146653 [Date=9/8/2008] [FileNumber=2821599-0] [8501b2c304694d53a2a5499d66dfcb6977c2452b1bd0d33008ba7fbf40439779c368 3c03108698e2c30f53c40e9030073cef3fa9329995a85c9ab0af5a1b233c]]

California State Department of Corrections & Rehabilitation
Avenal Central Law Library

REQUEST FOR VERIFICATION OF 60-DAY COURT DEADLINE

PRINT ALL INFORMATION CLEARLY:

INMATE NAME: James H. Cunningham CDC NUMBER: V-72323

DATE OF THIS APPLICATION: 9-14 HOUSING: 220 #3 Yard 03.L

WORK ASSIGNMENT: un a sign RDO: Ø

DATE OF THIS LEGAL DEADLINE: 9-26-2008 CASE NUMBER: 3:07-cv-183

NAME OF COURT: U.S. District Court Southern District of California

ADDRESS: 880 Front Street, Suite 4290 San Diego, CA 92101-8900

CITY: San Diego STATE: CA ZIP: 92101-8900

NAME OF COURT CLERK OR JUDGE: Barbara L. Major PHONE: ____

NAME OF ATTORNEY: Pro se - Self

ADDRESS: Avenal State Prison

CITY: Avenal STATE: CA ZIP: 93204

DO NOT WRITE BELOW --- **STAFF USE ONLY** --- **DO NOT WRITE BELOW**

VERIFICATION OF LEGAL DEADLINE: ____

- ☐ Approved
- ☐ Denied

____ (PRINT NAME OF LIBRARIAN)

DATE: ____

____ (SIGNATURE OF LIBRARIAN)

Proof of Service by Mail

I the undersigned. Certfy that I am over the Age of Eighteen (18) Years of Age. that I caused to be seved a copy of the follow Document:

ENTITLED: Motion for a extension of Ten 10 days.
To the Honorable Magistrate Judge Barbara Lynn Major

EXECUTED ON 9-14-08 At Avenal State Prison, Avenal California

I, James H. Cunningham. Declare under Penalth of Perjury under the Law of the State of California that the foregoing is true and correct.

[signature]
Signature of Declarant

James H. Cunningham
Print Name of Declarant

Pro se
James H. Cunningham